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THE SENATE

OF THE

University of *Summer term* Halifax,

AND

THE UNIVERSITY ACT, 1876.

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HALIFAX, NOVA SCOTIA.

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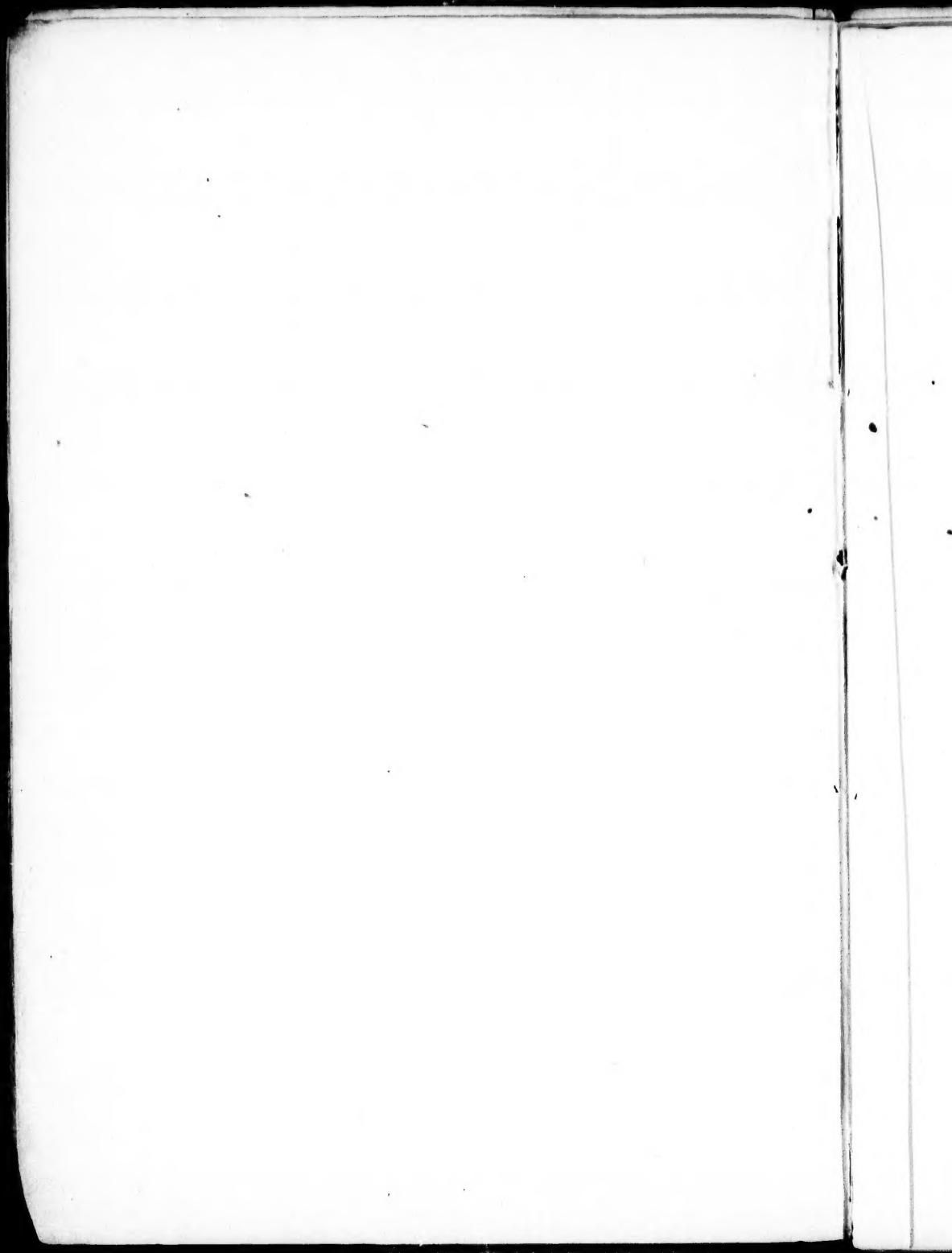
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AN ACT
TO ESTABLISH A
PROVINCIAL UNIVERSITY.

(Passed the 4th day of April, A. D. 1876.)

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Whereas, it is desirable to establish one university for the whole of Nova Scotia, on the model of the University of London, for the purpose of raising the standard of higher education in the Province, and of enabling all denominations and classes, including those persons whose circumstances preclude them from following a regular course of study in any of the existing colleges or universities, to obtain academical degrees:

Be it therefore enacted by the Governor, Council and Assembly, as follows:

1. A Chancellor, Vice-Chancellor, and twenty-four Fellows, *Incorporation* to be appointed as soon as conveniently may be after the passing of this Act, by the Governor in Council, and all the persons who may hereafter be appointed to be Chancellor or Fellows as hereinafter mentioned; all the persons on whom respectively

any of the institutions following conferred any degrees in any branch of knowledge other than theology, that is to say : King's College, at Windsor, in the County of Hants ; Acadia College, at Wolfville, in the County of Kings ; Dalhousie College and Saint Mary's College, in the City of Halifax ; Saint Francis Xavier's College, at Antigonish, and Mount Allison Wesleyan College, at Sackville, New Brunswick ; and all the persons on whom respectively the University hereby created may hereafter confer any degree, are hereby declared and constituted a body politic and corporate by the name of the " University of Halifax."

Corporation
may hold pro-
perty.

2. The Corporation may purchase, take and hold real and personal estate not exceeding the annual value of thirty thousand dollars ; such annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same ; and may grant, sell, lease, mortgage or otherwise dispose of the same, as may be deemed expedient for the interests of the University.

Corporation to
consist of Chan-
cellor, Vice-
Chancellor,
Fellows and
Graduates.

3. The Corporation shall consist of a Chancellor, Vice-Chancellor, Fellows and Graduates ; and there shall be twenty-four Fellows, exclusive of the Chancellor and Vice-Chancellor for the time being. The Fellows shall be such persons as the Governor in Council shall from time to time appoint as Fellows, and as shall be appointed as Fellows by the members of the Senate under the power hereinafter contained ; and the Graduates shall be the persons on whom respectively any of the institutions mentioned in the first section conferred any degrees, and the persons on whom respectively the University hereby created shall hereafter confer degrees.

Senate.

4. The Chancellor, Vice-Chancellor and Fellows for time being shall constitute the Senate of the University.

Appointment of
Chancellor.

5. Whenever a vacancy shall occur in the office of Chancellor of such University, either by death, resignation or otherwise, the Governor in Council shall nominate and appoint a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy ; and in the meantime the duties of the Chancellor shall be performed by the Vice-Chancellor or Fellow performing the duties of Vice-Chancellor under the provision hereinafter contained ; and the Vice-Chancellor or Fellow so performing the duties of Vice-Chancellor and Fellows, shall have all such powers as are hereby given to the Chancellor, Vice-Chancellor, and Fellows, or to the Senate.

Vice-Chancel-
lor, &c.

6. The office of Vice-Chancellor of the University shall be an annual office ; and the first Vice-Chancellor hereinbefore provided for shall go out of office on the first day of July, one thousand eight hundred and seventy-seven, and the members of the Senate shall, at a sitting to be held by them for that purpose,

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on some day within a month before the expiration of the tenure of such office, of which due notice shall be given, elect some one of the Fellows of the University to be the Vice-Chancellor, and so from time to time annually; or, in case of the death, resignation or other avoidance of any such Vice-Chancellor before the expiration of his year of office, shall at a meeting to be held by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one other of the said Fellows to be Vice-Chancellor for the remainder of the year in which such death, resignation or other avoidance shall happen; and, until such election, the duties of Vice-Chancellor shall be performed by the senior Fellow for the time being. The seniority of the Fellows first appointed shall be determined by the order in which their names shall appear in the instrument of appointment or in the announcement of their appointment in the *Royal Gazette*, and the seniority of Fellows afterwards appointed or elected at the same time, by the order in which their names shall appear in the instrument of appointment or the instrument or certificate of election.

7. If at any time, by death, resignation or otherwise, a ^{Fellows.} vacancy shall be created in the body of the Fellows, then, and so often as the same shall occur, new Fellows shall be appointed in manner herein provided, so that the number of twenty-four Fellows may be kept complete, exclusive of the Chancellor and Vice-Chancellor for the time being.

8. To all vacancies which shall from time to time occur while ^{Appointment of Fellows.} the number of Fellows shall amount to or exceed seventeen, exclusively of the Chancellor and Vice-Chancellor for the time being, the Governor in Council shall from time to time appoint a new Fellow or new Fellows.

9. Until the number of Fellows of the University, who ^{Ditto} shall have been selected from a list of persons to be nominated by convocation under the power hereinafter contained shall amount to or exceed six, every second Fellow, or one out of every two Fellows who shall be thereafter appointed by the Governor in Council, shall be chosen from a list of three persons to be nominated by convocation under the power hereinafter contained; and when and so soon as there shall be six Fellows for the time being who shall have been so selected, thenceforth every fourth Fellow, or one out of every four Fellows who shall be thereafter appointed by the Governor in Council shall be chosen out of a list of three persons to be nominated by Convocation as aforesaid.

10. If at any time by death, resignation, or otherwise, the ^{Election of Fellows.} number of the Fellows of the University shall be reduced below the number of seventeen exclusive of the Chancellor and

Vice Chancellor for the time being, then in such case, and so often as the same shall happen the members of the Senate shall, as soon as conveniently may be, at a meeting to be held for that purpose, of which due notice shall be given, elect eight or more fit and proper persons to be Fellows in addition to the then remaining Fellows; to the end, that, by means of such election the number of twenty-four Fellows of such University may be completed, exclusive of the Chancellor and Vice-Chancellor of the University; but at least one-fourth of the whole number of Fellows who shall be so elected by the Senate shall be chosen from a list of persons to be nominated by Convocation, such list to contain three times the number of persons to be selected therefrom. Until the number of members of Convocation shall exceed twenty, the power of nominating persons for Fellowship herein conferred on Convocation shall be exercised by the Senate of the University.

Convocation.

11. The following Graduates of the University for the time being shall constitute the Convocation of the University (that is to say), all Doctors of Law, Doctors of Medicine, Doctors of Science, and Masters of Arts, all Bachelors of Law and Bachelors of Medicine of two years' standing, and all Bachelors of Arts and Bachelors of Science of three years' standing, and also all Graduates holding such other Degrees to be hereafter conferred by the University, as shall be recognized as qualification for admission to convocation by resolution of Convocation in manner hereinafter provided; and the standing of all the Graduates on whom Degrees were conferred by the various Universities and Colleges now existing and in the third section, particularly mentioned, shall be computed from the respective times when such Degrees were actually conferred, precisely as if the University hereby created had been then in existence, and had conferred the same Degrees, except that no Graduate of any of such Universities or Colleges, shall be admitted as a member of Convocation, who shall not within one year from the time this Act goes into operation, cause his name and such further particulars as may be required, to be entered on the Register of Convocation herein-after mentioned.

register, &c.

12. A Register of the Graduates constituting for the time being the Convocation of the University of Halifax, shall be kept by such officer, and in such manner as the Senate of such University shall from time to time appoint and direct, which Register shall be conclusive evidence that any person whose name shall appear thereon at the time of his claiming to vote in Convocation is so entitled to vote, and that any person whose name shall not appear thereon at the time of his claiming to vote in Convocation

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is not so entitled to vote. Such Graduates present and future, shall pay such reasonable annual fees in that behalf, and at such times and with such liberty to compound for the same as the Senate with the concurrence of Convocation, and with the approbation of the Provincial Secretary, shall from time to time direct, and such Senate may make such Bye-Laws and Regulations as may be deemed expedient for taking off the name of any such Graduate as aforesaid for non-payment of such fees, and for reinstating such name on such terms as they shall by such Bye-Laws prescribe in that behalf.

13. The Lieutenant-Governor of Nova Scotia, for the time ^{Visitor.} being, shall be the Visitor of the University, with authority to do all those things which pertain to Visitors, as often as to such Lieutenant-Governor shall seem meet.

14. The Senate for the time being, shall have the entire ^{Powers and duties of Senate.} management and superintendence over the affairs, concerns and state. property of the University of Halifax; and in all cases unprovided for by this Act, it shall be lawful for the Senate to Act in such manner as shall appear to them best calculated to promote the purposes intended to be promoted by the University. And such Senate shall have full power from time to time to make and alter any Bye-Laws and Regulations (so as the same be not repugnant to the laws of the Province or to the general objects and provisions of this Act) touching the examination for Degrees and the granting of the same, and touching the mode and time of convening the meetings of the Senate and the meetings of Convocation, and in general touching all other matters whatsoever regarding the University not otherwise expressly provided for by this Act. And all such Bye-Laws and regulations, when reduced into writing, and after the common seal of the University shall have been affixed thereto, shall be binding upon all persons members thereof, and all candidates for Degrees to be conferred by the same; all such Bye-Laws and Regulations having been first submitted to and approved by the Governor in Council. Provided always, that it shall not be lawful for such Senate to impose on any person any compulsory religious examination or test; nor to do or cause or suffer to be done anything that would render it necessary or advisable, with a view to Academical success or distinction, that any person should pursue the study of any materialistic or skeptical system of logic or mental or moral philosophy.

15. All questions which shall come before the Senate shall ^{Majority of Senate to decide.} be decided by the majority of the members present; and the Chairman at any such meeting, shall have a vote, and in case of an equality of votes a second or casting vote. No question shall be decided at any meeting unless the Chancellor or Vice-Chan-

Quorum. cellor and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of such decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; or in the absence of both, a Chairman shall be chosen by the members present, or the major part of them.

Senate to appoint Examiners &c. 16. The Senate for the time being of the University shall have full power from time to time to appoint, and, as they shall see occasion, to remove, all Examiners, officers and servants of such University.

Powers of Convocation. 17. The Convocation of the University shall have the powers following (that is to say),—The power of nominating three persons for every Fellow to be appointed in the manner hereinbefore mentioned from a List nominated by the Convocation, as provided by this Act; with power to the Convocation, if it shall think fit, to enable absent members of the Convocation to vote on such nominations of Lists by Voting-Papers, in such form or to such effect, and to be signed, transmitted verified and recorded in such manner, and subject to such regulations and provisions, as the Convocation may from time to time determine, but not so to vote on any other matter:—The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter: The power of deciding as to the recognition, upon such terms as the Senate shall propose, of any Degree to be hereafter conferred under this Act, other than Degrees in Arts, Laws, Science and Medicine, as a qualification for admission to Convocation. The power of deciding on the mode of conducting and registering the proceedings of Convocation. The power of appointing and removing a Clerk of Convocation, and of prescribing his duties. Except as expressly hereby provided, the Convocation shall not be entitled to interfere in, or have any control over the affairs of the University.

Meetings of Convocation. 18. Once at least in every year, and as often as they may think fit, the Senate shall convene a meeting of Convocation.

Extraordinary Meetings of Convocation. 19. If fifteen or more members of Convocation shall by writing under their hands, require the chairman for the time being of Convocation, to be appointed as hereinafter prescribed, to convene an extraordinary meeting of Convocation, and such requisition shall express the object of the meeting required to be called, it shall be lawful for the chairman to convene a meeting of Convocation; provided always, that after the first of such extraordinary meetings no such extraordinary meeting shall be so convened until the expiration of three calendar months from the last of such extraordinary meetings; and provided also that

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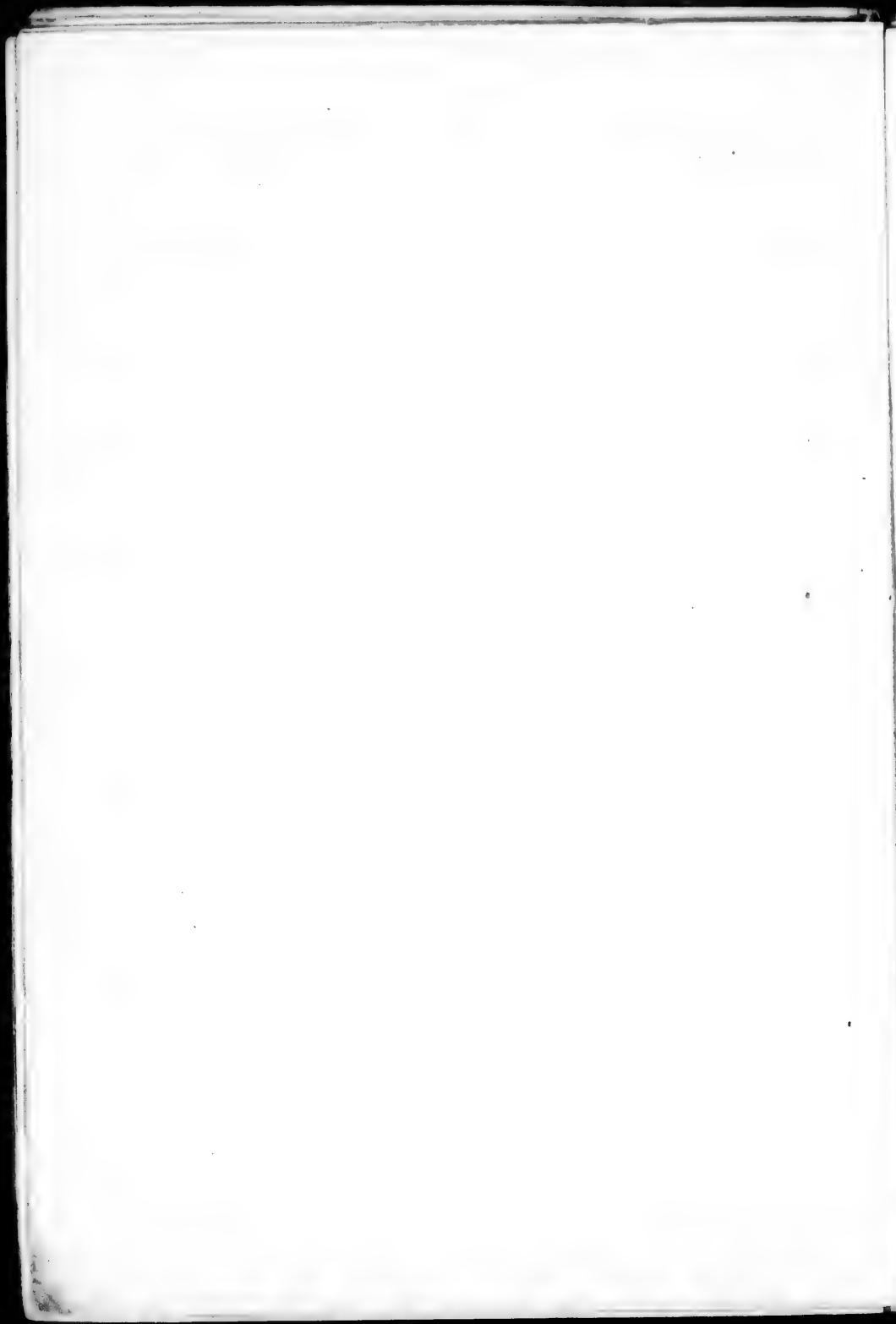
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no matter shall be discussed at any such extraordinary meeting, except the matter for the discussion whereof it was convened.

20. The Senate shall provide a proper place for the meetings of Convocation; and the proceedings of any meeting of Convocation shall be transmitted to the Senate at the next following meeting of the Senate.

21. Notice of the meetings of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine. Whenever the Provincial Secretary for the time being of this Province shall notify to the Senate that the governor in Council is desirous of appointing a Fellow or a number of Fellows and of having submitted to such Governor in Council a list of persons from which to select such Fellow or Fellows, then the Senate shall, as soon thereafter as conveniently may be, convene a meeting of Convocation; and such meeting shall nominate three persons not being Fellows if one Fellow is to be appointed, or three times as many persons not being Fellows as there shall be Fellows to be so appointed, if there shall be more than one Fellow to be appointed.

22. A person shall be appointed by the Senate to preside at the first meeting of Convocation; and at such meeting a standing Chairman of Convocation shall be chosen by the members present, or the major part of them.

23. The office of Chairman of Convocation shall be an office held for the term of three years, unless sooner determined by death, resignation or otherwise; but the Chairman shall be eligible for re-election. Within the year preceding the expiration of every term of such officer, or in case of the death or resignation of the chairman or any vacancy of such office, the members of Convocation present at any meeting duly convened or the major part of them, shall elect a chairman, who, if elected during the term of office of any chairman, shall hold office three years after the expiration of the tenure of office of such chairman, and if elected during a vacancy, then till the expiration of the third year after the commencement of such vacancy. If from any cause no chairman is elected to succeed any chairman for the time being, then such last mentioned chairman shall continue in office until his successor is appointed.

24. If the Chairman shall be absent at the time of the meeting of Convocation, or if there shall be a vacancy in the office, then, before proceeding to business, the members of Convocation then present, or the major part of them, shall elect a Chairman, who shall hold office during such meeting only.

25. All questions which shall come before Convocation shall, subject to the provisions, hereinbefore contained with respect to nominations of lists of Fellows, be decided by the majority of

Senate to provide place for meetings of Convocation.

Notice of such meetings, &c.

Chairman of Convocation to be chosen by members.

To hold office for three years, &c.

Majority of Convocation to decide.

the members present exclusive of the chairman ; but the chairman, at any meeting thereof shall, in case of an equality of votes, have a casting vote.

Quorum of Convocation. 26. No question shall be decided at any meeting of Convocation, unless twenty members at least shall be present.

Adjournment. 27. Any meeting of Convocation shall have power to adjourn to a future day.

Examinations for degrees. 28. Once at least in every year the Senate of the University shall cause to be held an examination of candidates for degrees ; and on every such examination the candidates shall be examined by examiners appointed for the purpose by the Senate, and on every such examination, the candidates shall be examined in as many branches of general knowledge as such Senate shall consider the most fitting subjects of such examination.

Degrees. 29. Persons shall be admitted as candidates for the respective degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, and Doctor of Laws, Bachelor of Science and Doctor of Science, and any other degrees which the Senate of the University may hereafter from time to time determine to confer, in pursuance of the power hereinafter contained, other than degrees in Medicine and Surgery, on satisfying such Senate that they respectively have completed in any of the Institutions hereinafter mentioned, whilst in connection with the University hereby created, or any other Institution for the time being in connexion with such University, as hereinafter provided for, the course of instruction which such Senate shall from time to time by regulations in that behalf determine.

Institutions in connection with University. 30. The following Institutions shall be in connection with the University of Halifax, for the purpose set forth in the last preceding section, that is to say : King's College, at Windsor ; Dalhousie College and Saint Mary's College, in the City of Halifax ; Acadia College, at Wolfville ; The College of St. Francis Xavier, at Antigonish ; and Mount Allison Wesleyan College, at Sackville, New Brunswick ; and it shall be lawful for the Senate, with the consent of the Governor in Council, from time to time to alter and amend the list of Institutions in connection with such University by adding any other Institutions thereunto.

Candidates for Matriculation, &c. 31. Persons not educated in any of such institutions for the time being connected with such University, shall be admitted as candidates for Matriculation, and for any of the degrees hereby authorized to be conferred by such University of Halifax, other than degrees in medicine or surgery, on such conditions as the Senate, by regulations in that behalf, shall from time to time determine.

Candidates for Degrees in Medicine & Surgery. 32. For the purposes of granting the Degrees of Bachelor of Medicine, Doctor of Medicine, and Master in Surgery, and for

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the improvement of Medical Education, in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, it shall be the duty of the Senate from time to time to report to the Governor in Council what appear to them, to be the Medical Institutions and schools in the Dominion of Canada or elsewhere, from which it may be fit and expedient, in the judgment of such Senate to admit candidates for Medical Degrees, such report to be approved by the Governor in Council; and no persons shall be admitted as candidates for the respective Degrees of Bachelor of Medicine, Doctor of Medicine, or Master in Surgery, to be conferred by the University of Halifax, unless they shall satisfy such Senate, that such persons have in any one or more of such Institutions or Schools, completed the course of instruction which such Senate, by Regulation in that behalf, shall determine; and no person shall be admitted as a candidate for the Degree of Master in Surgery, unless he shall be previously a Bachelor of Medicine of such University; and it shall be lawful for such Senate, from time to time, with the approval of the Governor in Council, to vary, alter, and amend any such report by striking out any of such Institutions or Schools included therein, or by adding others thereunto.

33. The Senate of the University shall have power to examine for, and after examination, to confer in such mode and on compliance by the candidates with such conditions as they shall from time to time determine, the several or such as they shall think fit of the Degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science and Medicine, and Master in Surgery; and also to confer the several Degrees of Bachelor, Master, and Doctor in any departments of knowledge whatever, except Theology, as such Senate by Regulation in that behalf, shall from time to time determine, and whether such departments of knowledge shall or shall not include any portion of the departments of knowledge for which Degrees in Arts, Law, Science and Medicine, or any of them, are authorized to be conferred by this Act; and such reasonable Fees may be charged for, or in any respect of such Examination and Degrees respectively or either of them, as such Senate, with the approbation of the Governor in Council, shall from time to time direct.

34. At the conclusion of every Examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed to be qualified to receive any of such Degrees, together with such particulars as such Senate shall from time to time determine; and every such candidate shall, if otherwise approved by such Senate, and if they shall think fit, receive from the Chancellor a certificate, under the Seal of the University of Halifax, and signed by such Chancellor, or in his absence

*Certificate of
Degree, &c.*

or incapacity by the Vice-Chancellor, in which the Degree allowed by such Senate, to be taken by him, shall be stated, together with such other particulars, if any, as such Senate shall deem fitting to be stated therein.

Ad Eundem Degrees. 35. The Senate of the University shall also have power to confer any of such degrees as *Ad Eundem Degrees*; but no degree so conferred shall, without the consent of Convocation in each case, entitle the holder thereof, to be or become a member of Convocation.

Certificates of Proficiency, &c. 36. Such Senate shall have power to examine for and after examination, to grant, in such mode and on compliance by the candidate with such conditions as they shall from time to time determine, Certificates of Proficiency in such branches of knowledge as such Senate shall from time to time by regulations made in that behalf determine; and in addition to the examination of candidates for Degrees in this Act mentioned and ordained, such Senate may cause to be held from time to time examinations of persons, who shall have prosecuted the study of such branches of knowledge, and who shall be candidates for such Certificates of Proficiency, as aforesaid, subject to such regulations as by the Senate shall from time to time be made in that behalf; and on every such examination, the candidates shall be examined by Examiners appointed by such Senate; and at the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed to be qualified to receive any such Certificate, together with such particulars as the Senate shall from time to time determine; and he shall, if otherwise approved by such Senate, and if they shall think fit, receive from the Chancellor a Certificate, under the Seal of the University of Halifax, and signed by such Chancellor, or in his absence or incapacity by the Vice-Chancellor, in which the branch or branches of knowledge, in respect of which he has been allowed by such Senate to obtain the Certificate, shall be stated, together with such other particulars, if any, as the Senate shall deem fitting to be stated therein. And such reasonable fees may be charged for or in respect of such Examinations and Certificates of Proficiency, respectively or either of them, as such Senate, with the approbation of the Governor in Council shall from time to time direct.

Fees, accounts, &c. 37. All Fees shall be carried to one general Fee Fund, for the payment of the expenses of the University of Halifax, under the directions and regulations of the Governor in Council, to whom the accounts of Income and Expenditure of the University shall once in every year be submitted; which accounts shall be subject to such examination and audit as the Governor in Council may direct.

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38. All Bye-laws and Regulations made by the Senate, from ^{Bye-laws and} ~~Regulations.~~ time to time, in relation to any of the matters hereinbefore mentioned, shall be submitted to, and approved by the Governor in Council, as hereinbefore provided.

39. This Act shall be construed, and adjudged, in the most ^{Construction} ~~of this Act.~~ favorable and beneficial sense for the University, as well in the Provincial Courts of Law and Equity, as elsewhere.

40. The Senate shall annually report to the Governor in ^{Report by} ~~Senate.~~ Council, at such time as he shall appoint, upon the transactions of the University during the year preceding such report, and upon the general state and prospects of the same, and such other particulars as such Senate shall deem proper, or as the Governor in Council shall require; the Senate shall also, whenever required so to do, by the Governor in Council, report specially upon any matters or subjects connected with the University; and every such annual or special report, shall be laid before the Legislature of Nova Scotia at its then, or next ensuing Session.

41. A sum not exceeding two thousand dollars shall be ^{Expenses of or} ~~ganization,~~ placed at the disposal of the Senate of the University, to meet ^{fe.} the expenses incidental to the organization of the University, and its operations during the first years of its existence, and a like sum in each succeeding year. No portion of such sum shall be expended, without the approval of the Governor in Council for the purpose first had and obtained.

42. This Act may be cited as "The University Act, 1876." ^{Act—how to be} ~~cited.~~